

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES H. HAYES,

Petitioner,

V.

WILLIAM HUTCHINGS, et al.,

Respondents.

Case No. 2:21-cv-00987-GMN-NJK

ORDER

Petitioner has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court dismisses this action because petitioner did not pay the \$5.00 filing fee, and his application to proceed in forma pauperis (ECF No. 1) is incomplete, lacking a financial certificate and a copy of his inmate account statement. See 28 U.S.C. § 1915(a)(2), Local Rule LSR 1-2. Petitioner will need to commence a new action with either payment of the \$5.00 filing fee or filing a complete application to proceed in forma pauperis. A preliminary review of the petition indicates that a promptly commenced new action would not suffer any difficulties under the one-year time limit of 28 U.S.C. § 2244(d)(1).

Reasonable jurists would not find this conclusion to be debatable or wrong, and the court will not issue a certificate of appealability.

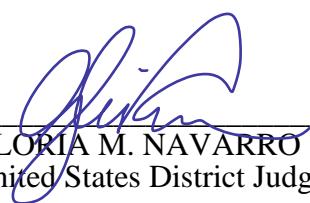
27 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (ECF
28 No. 1) is **DENIED**.

1 IT FURTHER IS ORDERED that the clerk of the court send petitioner a blank form for
2 an application to proceed in forma pauperis for incarcerated litigants with instructions and a blank
3 habeas corpus petition form under 28 U.S.C. § 2254 with instructions.

4 IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice to
5 petitioner's commencement of a new action in which he must either pay the filing fee in full or
6 file a complete application to proceed in forma pauperis, accompanied by a signed financial
7 certificate and a statement of his inmate account. The clerk of the court is directed to enter
8 judgment accordingly and close this action.

9 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

10 DATED: June 7, 2021



11 GLORIA M. NAVARRO
12 United States District Judge

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